



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

CLOSED MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, December 9, 2003
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
Frank J. Montanaro
Joseph V. Mulvey
Gerald S. Goldstein
John R. Capobianco
Elizabeth S. Dolan

BOARD MEMBER ABSENT: Ellen L. Jordan

OTHERS PRESENT: Joan N. Brousseau, Administrator
Robyn H. Golden, Investigator
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:05 a.m.

Frank Montanaro made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges, Cases Concluded, and Miscellaneous Matters, and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Joseph Mulvey, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:15 a.m.

All members present reviewed the closed minutes of the October 14, 2003 Board Meeting. A Motion was made to by Frank Montanaro and seconded by Joseph Mulvey to accept the closed minutes as written, and to seal the minutes to be reviewed at the next board meeting, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written. The meeting continued in closed session:

UNFAIR LABOR PRACTICE CHARGES:

1. Case No. ULP-5682
Coventry Fire District & RI State Assoc. of Fire Fighters

Frank Montanaro disqualified himself from participation in this matter.

During the Board Meeting of November, 2001, the Board voted to issue a complaint on this charge. After review of ULP- 5673, which is currently pending formal hearing before the Board, a Motion was made by John Capobianco and seconded by Joseph Mulvey to hold ULP- 5682 in abeyance pending final determination of ULP- 5673. After discussion, all participating Board Members present voted in favor of the Motion. The staff will notify the parties in writing that the case is being held pending outcome of ULP- 5673.

2. — Case No. ULP-5683
E. Greenwich School Committee & E. Greenwich Food Service Personnel
NEARI/NEA

After review of the informal notes, a Motion was made by Joseph Mulvey and seconded by John Capobianco to issue a Complaint and proceed to formal hearing. After discussion, all Board Members present voted in favor of the Motion.

3. Case No. ULP-5684
DCYF & AFSCME

This charge was withdrawn prior to this Board meeting. No action was needed.

4. Case No. ULP-5687
Town of Warren & IBPO

After review of the informal notes, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to issue a Complaint and proceed to formal hearing. After discussion, Walter Lanni, Frank Montanaro, Joseph Mulvey, John Capobianco voted in favor of the motion. Gerald Goldstein and Elizabeth Dolan voted against the motion. (Motion passed)

5. Case No. ULP-5688
MHRH & AFSCME

After review of the informal notes, a Motion was made by Elizabeth Dolan and seconded by Gerald Goldstein to dismiss the ULP charge in accordance with R.I.G.L. 28-7-9(d). After discussion, all Board Members present voted in favor of the Motion.

6. Case No. ULP-5697
City of Newport, Newport Police & Newport FOP

After review of the informal notes, a Motion was made by John Capobianco and seconded by Gerald Goldstein to issue a Complaint and proceed to formal hearing. After discussion, all Board Members present voted in favor of the Motion.

CASES CONCLUDED FORMALLY:

1 Case No. ULP-5485
North Kingstown & IBPO

Elizabeth Dolan disqualified herself from participation in this matter.

This case was heard formally by Walter Lanni, Joseph Mulvey, Gerald Goldstein, Ellen Jordan, Elizabeth Dolan, Frank Montanaro, and John Capobianco.

A Motion was made by Frank Montanaro and seconded by John Capobianco to hold this matter over until the next Board Meeting for further review. All participating Board Members present voted in favor of the Motion.

2. Case No. ULP-5652
D.E.M. & AFSCME

This case was heard formally by Walter Lanni, Joseph Mulvey, Gerald Goldstein, John Capobianco, and Elizabeth Dolan. Frank Montanaro and Ellen Jordan reviewed the transcript and the briefs submitted by the parties.

At the October 14, 2003 Board Meeting, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to uphold the charge and find that an Unfair Labor Practice had been committed. John Capobianco voted in favor of the Motion. Walter Lanni, Elizabeth Dolan and Ellen Jordan voted against the Motion. Tie vote. Staff contacted Gerald Goldstein for his vote regarding this matter. At today's Board meeting, Gerald Goldstein voted against the Motion. (Motion failed)

A motion was then made by Elizabeth Dolan and seconded by Gerald Goldstein to dismiss the charge. After discussion, Walter Lanni, Gerald Goldstein, and Elizabeth Dolan voted in favor of the Motion and Frank Montanaro, Joseph Mulvey, and John Capobianco voted against the Motion. Tie vote. The staff then contacted Ellen Jordan to obtain her vote on the Motion to Dismiss. Ellen Jordan voted in favor of the Motion to Dismiss. (Motion Passed)

3. Case No. ULP-5665
City of Providence & RI Laborers'

This case was heard formally by Joseph Mulvey, Gerald Goldstein, John Capobianco, and Elizabeth Dolan. Walter Lanni, Frank Montanaro and Ellen Jordan reviewed the transcript and the briefs submitted by the parties.

A Motion was made by Joseph Mulvey and seconded by John Capobianco to uphold the charge and complaint in this case. After discussion, Walter Lanni, Frank Montanaro, Joseph Mulvey, John Capobianco voted in favor of the motion. Gerald Goldstein and Elizabeth Dolan voted against the Motion. The staff then contacted Ellen Jordan to obtain her vote on the Motion to uphold the charge and complaint in this case. Ellen Jordan voted against the Motion. (Motion passed)

MISCELLANEOUS MATTERS:

1 ULP- 5538
Department of Corrections & RIBCO

After review of all documents relative to the above-named case, as well as the Dismissal Stipulation for Case No. ULP-5123, a Motion was made by Frank Montanaro and seconded by Joseph Mulvey to place this case back on the Formal Hearing Calendar as a Complaint had previously been issued. After discussion, all Board Members present voted in favor of the Motion.

2. Closed Minutes - October 14, 2003

A Motion was made by Frank Montanaro and seconded by Joseph Mulvey to keep the Closed Minutes of the October 14, 2003 Board Meeting sealed to be reviewed during the January 6, 2004 Board Meeting. All participating Board Members present voted in favor of the Motion.

Joseph Mulvey made a Motion that the Board Meeting resume in Open Session for the purposes of reading into the Open Minutes determinations made by the Board in Closed Session. It was seconded by Frank Montanaro and it was unanimously

VOTED: to resume the meeting in Open Session at 9:55 a.m.